

#### **405 KAR 2:010. Waiving liens against privately-owned land.**

RELATES TO: KRS 350.575

STATUTORY AUTHORITY: KRS 350.028(1)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to establish the requirements for waiving liens against privately owned lands upon which the Environmental and Public Protection Cabinet implements measures to restore, reclaim, abate, control or prevent adverse effects of past coal mining practices.

Section 1. Liens against privately owned lands upon which the Environmental and Public Protection Cabinet implements measures to restore, reclaim, abate, control or prevent adverse effects of coal mining practices may be waived under the following conditions:

(1) The cabinet may waive the lien if the reclamation measures implemented do not result in a significant increase in the fair market value of the land reclaimed.

(2) The cabinet may waive the lien if the reclamation work to be performed on private land primarily benefits health, safety of environmental values of the greater community or area in which the land is located, or if reclamation is necessitated by an unforeseen occurrence and the work performed to restore the land will not result in a significant increase in the market value of the land as it existed immediately before the occurrence. (9 Ky.R. 81; eff. 8-11-1982; TAm eff. 8-9-2007.)